

HOUSE BILL 82

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2002 Regular Session  
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(PRE-FILED)

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By: **Chairman, Economic Matters Committee (Departmental - Labor,  
Licensing and Regulation)**

Requested: October 19, 2001

Introduced and read first time: January 9, 2002

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **State Board for Professional Engineers**

3 FOR the purpose of clarifying the scope of practice of engineering; eliminating a  
4 certain waiting period for persons taking a licensing examination; clarifying  
5 certain provisions relating to licensing examinations and procedures of the State  
6 Board for Professional Engineers; making stylistic changes; and generally  
7 relating to the practice of engineering.

8 BY repealing and reenacting, with amendments,  
9 Article - Business Occupations and Professions  
10 Section 14-101, 14-202, 14-204, 14-207, 14-208.1, 14-305, 14-308, 14-309,  
11 14-310, and 14-314  
12 Annotated Code of Maryland  
13 (2000 Replacement Volume and 2001 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Business Occupations and Professions**

17 14-101.

18 (a) In this title the following words have the meanings indicated.

19 (b) "Board" means the State Board for Professional Engineers.

20 (c) "Design coordination" means the review and coordination of services  
21 provided by individuals licensed or certified under Titles 3, 8, 9, 14, and 15 of this  
22 article.

23 (d) (1) "License" means, unless the context requires otherwise, a license  
24 issued by the Board to practice engineering.

1                   (2)     "License" includes, unless the context requires otherwise, a limited  
2 license.

3           (e)     "Limited license" means a license issued by the Board to practice  
4 engineering as limited by § 14-316 of this title.

5           (f)     (1)     "Practice engineering" means to provide any service or creative work  
6 the performance of which requires education, training, and experience in the  
7 application of:

8                   (i)     special knowledge of the mathematical, physical, CHEMICAL,  
9 and engineering sciences; and

10                   (ii)    the principles and methods of engineering analysis and design.

11           (2)     In regard to a building or other structure, machine, equipment,  
12 process, works, system, project, or public or private utility, "practice engineering"  
13 includes:

14                   (i)     consultation;

15                   (ii)    design;

16                   (iii)   evaluation;

17                   (iv)   inspection of construction to ensure compliance with  
18 specifications and drawings;

19                   (v)     investigation;

20                   (vi)    planning; and

21                   (vii)   design coordination.

22           (3)     "Practice engineering" does not include the exclusive and sole  
23 performance of nontechnical management activities.

24           (g)     "Professional engineer" means, unless the context requires otherwise, an  
25 engineer who is licensed by the Board to practice engineering.

26           (h)     (1)     "Responsible charge" means direct control and personal supervision  
27 of engineering that requires initiative, professional skill, and independent judgment.

28                   (2)     "Responsible charge" includes responsible engineering teaching.

29 14-202.

30           (a)     (1)     The Board consists of seven members.

31                   (2)     Of the seven members of the Board:

1 (i) five shall be engineers; and

2 (ii) two shall be consumer members.

3 (3) Of the five engineer members of the Board:

4 (i) one shall be a chemical engineer;

5 (ii) two shall be civil engineers;

6 (iii) one shall be an electrical engineer; and

7 (iv) one shall be a mechanical engineer.

8 (4) The Governor shall appoint the members with the advice of the  
9 Secretary and with the advice and consent of the Senate.

10 (5) (i) The Governor shall appoint each of the engineer members from  
11 a single list of at least [3] THREE names of engineers submitted by the local chapters  
12 of the applicable professional organization, as set forth in this paragraph and any list  
13 of qualified individuals that may have been submitted to the Governor by any person  
14 who is a resident of the State.

15 (ii) For the chemical engineer member, the list shall be submitted  
16 by the American Institute of Chemical Engineers.

17 (iii) For the civil engineer members, the list shall be submitted by  
18 the American Society of Civil Engineers.

19 (iv) For the electrical engineer member, the list shall be submitted  
20 by the Institute of Electrical and Electronics Engineers.

21 (v) For the mechanical engineer member, the list shall be  
22 submitted by the American Society of Mechanical Engineers.

23 (b) Each member of the Board shall be:

24 (1) a citizen of the United States; and

25 (2) a resident of the State.

26 (c) (1) Each engineer member of the Board shall have:

27 (i) practiced engineering for at least 12 years; and

28 (ii) been in responsible charge of important engineering work for at  
29 least 5 years.

30 (2) Each engineer member of the Board shall be licensed as a  
31 professional engineer in this State at all times during the member's term on the  
32 Board.

1 (d) Each consumer member of the Board:

2 (1) shall be a member of the general public;

3 (2) may not be a licensee or otherwise be subject to regulation by the  
4 Board;

5 (3) may not be required to meet the qualifications for the professional  
6 members of the Board; and

7 (4) may not, within 1 year before appointment, have had a financial  
8 interest in or have received compensation from a person regulated by the Board.

9 (e) While a member of the Board, a consumer member may not[:

10 (1)] have a financial interest in or receive compensation from a person  
11 regulated by the Board[; or

12 (2) grade any examination given by or for the Board].

13 (f) Before taking office, each appointee to the Board shall take the oath  
14 required by Article I, § 9 of the Maryland Constitution.

15 (g) (1) The term of a member is 5 years and begins on July 1.

16 (2) The terms of members are staggered as required by the terms  
17 provided for members of the Board on October 1, 1989.

18 (3) At the end of a term, a member continues to serve until a successor is  
19 appointed and qualifies.

20 (4) A member who is appointed after a term has begun serves only for  
21 the rest of the term and until a successor is appointed and qualifies.

22 (h) The Governor may remove a member for incompetence, misconduct,  
23 neglect of duties, or other sufficient cause.

24 14-204.

25 (a) A majority of the authorized membership of the Board is a quorum.

26 (b) [(1)] The Board shall meet at least twice a year, at the times and places  
27 that the Board determines.

28 [(2)] The Board may hold special meetings as provided in its bylaws.

29 (3) Notice of meetings of the Board shall be given as required in its  
30 bylaws.]

31 (c) A member of the Board:

1 (1) may not receive compensation; but

2 (2) is entitled to reimbursement for expenses under the Standard State  
3 Travel Regulations, as provided in the State budget.

4 (d) The Board may employ a staff in accordance with the State budget.

5 14-207.

6 (a) On request of any person and payment of a fee of \$10, the Board shall  
7 certify the licensing status and qualifications of any individual who is the subject of  
8 the request.

9 (b) Each certification under this section:

10 (1) shall include a statement of the licensing status of the individual who  
11 is the subject of the request; and

12 (2) may include:

13 (i) information about the examination results and other  
14 qualifications of that individual;

15 (ii) information about the dates of issuance and renewal of the  
16 license of that individual;

17 (iii) information about any disciplinary action taken against that  
18 individual; and

19 (iv) if authorized by [that individual] LAW OR REGULATION,  
20 information about any complaint against that individual.

21 (c) The Board shall collect a fee of \$10 for each certification under this section.  
22 14-208.1.

23 (a) In this section, "code official" means a public official responsible for the  
24 review of building permit documents or the issuance of building permits.

25 (b) The Board shall:

26 (1) keep a list of the names and mailing addresses of all licensees [and  
27 certificate holders];

28 (2) provide each code official with a copy of the list annually; and

29 (3) provide any other person who makes a request with a copy of the list  
30 at a reasonable fee set by the Board.

1 (c) (1) The Board shall provide all licensees[, certificate holders,] and code  
2 officials with a periodic newsletter not less than semiannually on the activities of the  
3 Board.

4 (2) The Board may publish the newsletter jointly with the State Board of  
5 Architects, the State Board of Examiners of Landscape Architects, the State Board of  
6 Certified Interior Designers, or any combination of these boards.

7 (d) The Board shall distribute:

8 (1) to each applicant for a license or a certificate and each code official, a  
9 copy of the Maryland Professional Engineers Act and the Board's rules and  
10 regulations;

11 (2) on each renewal of a license [or certificate], to each licensee [or  
12 certificate holder], a copy of any amendments to the Maryland Professional  
13 Engineers Act and the Board's rules and regulations that took effect during the  
14 2-year period ending on the date of renewal; and

15 (3) to each code official, a copy of any amendments to the Maryland  
16 Professional Engineers Act and the Board's rules and regulations.

17 (e) A licensee or AN ENGINEER-IN-TRAINING certificate holder shall  
18 designate the licensee's or certificate holder's mailing address at the time of issuance  
19 of the license or certificate and on each renewal of the license [or certificate].

20 14-305.

21 (a) In addition to the other qualifications for a license set forth in this subtitle,  
22 an applicant shall qualify under this section by meeting the educational and  
23 experience requirements set forth in subsection (b), (c), or (d) of this section.

24 (b) (1) An applicant qualifies under this section if the applicant:

25 (i) has been graduated from a college or university on completion  
26 of at least a 4-year curriculum in engineering, or its equivalent, that the Board  
27 approves;

28 (ii) subject to paragraph (2) of this subsection, has at least 4 years  
29 of work experience in engineering that is satisfactory to the Board and that indicates  
30 to the Board that the applicant may be competent to practice engineering;

31 (iii) has passed an 8-hour written examination in the fundamentals  
32 of engineering given by the Board under this subtitle; and

33 (iv) after passing the examination in fundamentals AND MEETING  
34 THE EXPERIENCE REQUIREMENTS OF ITEM (II) OF THIS PARAGRAPH, has passed an  
35 8-hour written examination in the principles and practice of engineering given by the  
36 Board under this subtitle.

1           (2)     If an applicant has completed graduate study in engineering that is  
2 satisfactory to the Board, it may allow the applicant up to a 1-year credit toward the  
3 experience requirement of paragraph (1)(ii) of this subsection.

4           (c)     An applicant qualifies under this section if the applicant:

5           (1)     has been graduated from a college or university on completion of at  
6 least a 4-year curriculum in engineering, or its equivalent, that the Board has not  
7 approved;

8           (2)     has at least 8 years of work experience in engineering that is  
9 satisfactory to the Board and that indicates to the Board that the applicant may be  
10 competent to practice engineering;

11          (3)     has passed an 8-hour written examination in the fundamentals of  
12 engineering given by the Board under this subtitle; and

13          (4)     after passing the examination in fundamentals AND MEETING THE  
14 EXPERIENCE REQUIREMENTS OF ITEM (2) OF THIS SUBSECTION, has passed an  
15 8-hour written examination in the principles and practice of engineering given by the  
16 Board under this subtitle.

17          (d)     (1)     An applicant qualifies under this section if the applicant:

18                 (i)     subject to paragraph (2) of this subsection, has at least 12 years  
19 of work experience in engineering that is satisfactory to the Board, in at least 5 years  
20 of which the applicant has been in responsible charge, if the collective experience  
21 indicates to the Board that the applicant may be competent to practice engineering;  
22 and

23                 (ii)    has passed an 8-hour written examination in the principles and  
24 practice of engineering given by the Board under this subtitle.

25          (2)     If an applicant has completed 1 or more years of a college or  
26 university curriculum in engineering that the Board approves, it may allow, for each  
27 of those years, a 1-year credit towards the experience requirement of paragraph (1)(i)  
28 of this subsection.

29          (3)     If an applicant has completed 1 or more years of a college or  
30 university curriculum in engineering that has not been approved by the Board, the  
31 Board may allow, for each of those years, a credit of up to 6 months towards the  
32 experience requirement under paragraph (1)(i) of this subsection.

33          (e)     If an applicant has taught undergraduate or graduate courses in the  
34 practice of engineering or has directed engineering research and projects in the  
35 applicant's field in a college or university offering an engineering curriculum that is  
36 approved by the Board, the Board may count [the teaching] SUCH experience as work  
37 experience for purposes of the experience requirements under any subsection of this  
38 section.

1 14-308.

2 (a) (1) If an applicant fails an examination given under this subtitle, the  
3 Board shall mail notice of the failure to the applicant.

4 (2) The notice required under this subsection shall be mailed to the  
5 address that the applicant last gave to the Board.

6 (b) (1) Subject to the provisions of this subsection AND THE AVAILABILITY  
7 OF THE EXAMINATION, an applicant who fails an examination may review the  
8 applicant's answers and model answers to the examination.

9 (2) To conduct a review under this subsection, an applicant shall submit  
10 a written request to the Board within 60 days after the date on which the Board mails  
11 notice of the applicant's failure.

12 (3) An applicant who does not request review in accordance with  
13 paragraph (2) of this subsection waives the right to review under this subsection.

14 (c) [(1)] The Board shall confirm the test score of any applicant who fails an  
15 examination given under this subtitle if the applicant:

16 [(i)] (1) submits a written request to the Board in accordance with  
17 its regulations; and

18 [(ii)] (2) pays to the Board the fee set by the Board.

19 [(2)] The Board shall adopt regulations that set procedures for  
20 confirmation of test scores under this subsection.

21 (d) (1) Subject to this subsection, an applicant who fails an examination 3  
22 times may have a conference with a member of the Board.

23 (2) To have a conference under this subsection, an applicant shall submit  
24 a written request to the Board within 45 days after the date on which the Board mails  
25 notice of the applicant's 3rd failure.

26 (3) An applicant who does not request a conference in accordance with  
27 paragraph (2) of this subsection waives the right to have a conference under this  
28 subsection.]

29 14-309.

30 (a) Subject to this section, if an applicant fails an examination given under  
31 this subtitle, the applicant may retake the examination.

32 (b) Except as provided in subsection (c) of this section, an applicant for  
33 reexamination shall:

34 (1) submit to the Board a request for reexamination on the form that the  
35 Board provides; and



1 (2) pay to the Board or the Board's designee the reexamination fee set by  
2 the Board in an amount not to exceed the cost of the examination.

3 (c) An applicant who fails 2 reexaminations given under this section may take  
4 the examination again only [on a new application for a license that is submitted to  
5 the Board at least 2 years after the applicant last failed a reexamination] UPON  
6 SUBMISSION TO THE BOARD OF A REQUEST FOR REEXAMINATION ON THE FORM  
7 THAT THE BOARD PROVIDES TOGETHER WITH THE APPROPRIATE DOCUMENTATION  
8 INDICATING AN APPLICANT'S UPDATED WORK EXPERIENCE.

9 (d) A reexamination fee paid under subsection (b)(2) of this section is not  
10 refundable.

11 14-310.

12 (a) Subject to this section, an individual may apply to the Board to take the  
13 examination in the fundamentals of engineering given by the Board under this  
14 subtitle, before the individual completes the requirements set forth in § 14-305(b)  
15 and (c) of this subtitle.

16 (b) To take the fundamentals of engineering examination early:

17 (1) the applicant shall be in the process of completing a curriculum at a  
18 college or university, as required under § 14-305(b) or (c) of this subtitle, and the  
19 college or university shall provide to the Board evidence that the college or university  
20 expects the applicant to complete the curriculum within 6 months after the next  
21 scheduled administration of the fundamentals of engineering examination; or

22 (2) the applicant shall have been graduated from a college or university  
23 on completion of a curriculum, as required under § 14-305(b) or (c) of this subtitle.

24 (c) (1) An applicant for early examination shall:

25 (i) submit to the Board an application on the form that the Board  
26 provides; and

27 (ii) pay to the Board or the Board's designee an examination fee set  
28 by the Board in an amount not to exceed the cost of the examination.

29 (2) The procedures and requirements for the application shall be the  
30 same as provided under § 14-306 of this subtitle for applications for licenses.

31 (d) An applicant who meets the requirements of this section is entitled to take  
32 the fundamentals of engineering examination.

33 (e) If an individual passes a fundamentals of engineering examination under  
34 this section and pays the Board a certification fee of \$15, the Board shall:

35 (1) keep a record that the individual passed the examination; and

1 (2) issue to the individual a certificate that states that the individual is  
2 an engineer-in-training because the individual has passed the examination and that  
3 sets forth:

4 (i) the full name of the individual;

5 (ii) a certificate number assigned by the Board to the individual;  
6 and

7 (iii) the [signatures] SIGNATURE of the chairman [and secretary]  
8 of the Board, under seal of the Board.

9 (f) If an individual takes and fails a fundamentals of engineering examination  
10 under this section, the individual shall have the same rights regarding notice, review  
11 procedures, and reexamination provided to an applicant under §§ 14-308 and 14-309  
12 of this subtitle.

13 14-314.

14 (a) Unless a license is renewed for a 2-year term as provided in this section,  
15 the license expires on the first June 30 that comes:

16 (1) after the effective date of the license; and

17 (2) in an even-numbered year.

18 (b) (1) At least 1 month before a license expires, the Board shall mail to the  
19 licensee, at the last known address of the licensee:

20 (i) a renewal application form; and

21 (ii) a notice that states:

22 1. the date on which the current license expires;

23 2. the date by which the Board must receive the renewal  
24 application for the renewal to be issued and mailed before the license expires; and

25 3. the amount of the renewal fee.

26 (2) The failure of a licensee to receive the notice for which this subsection  
27 provides does not prevent the license from expiring as specified under subsection (a)  
28 of this section.

29 (c) Before a license expires, the licensee periodically may renew it for an  
30 additional 2-year term, if the licensee:

31 (1) otherwise is entitled to be licensed;

32 (2) pays to the Board a renewal fee of \$20; and

1                   (3)       submits to the Board a renewal application on the form that the  
2 Board provides.

3       (d)       (1)       The Board shall renew the license of and issue a renewal certificate  
4 to each licensee who meets the requirements of this section.

5                   (2)       The Board shall include on each renewal certificate that the Board  
6 issues[:

7                               (i)]       the date on which the current license expires[; and

8                               (ii)       the signatures of the chairman and secretary of the Board,  
9 under seal of the Board].

10       (e)       The Secretary may determine that licenses issued under this subtitle shall  
11 expire on a staggered basis.

12       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
13 effect October 1, 2002.